

REPORT - PLANNING COMMISSION MEETING
June 12, 2003

Applicant: Hub Valero (PLN2002-00192)

Proposal: To consider an application for a Finding for Site Plan and Architecture approval for a gasoline service station with a convenience store and car wash to replace an existing gasoline service station, car wash, convenience store and three-bay auto repair shop.

Recommended Action: Approve, based on findings and subject to conditions

Location: 4004 Mowry Avenue in the Central Business District

APN: 519 097600300

Area: 26,354 square feet

Owner: Ray Olyaie

Agent of Applicant: Chris Guterres

Consultant(s): Chris Guterres, RHL Design Group

Environmental Review: An initial study and mitigated negative declaration were prepared and circulated for this project.

Existing General Plan: CBD, Central Business District

Existing Zoning: CBD, Central Business District

Existing Land Use: Gas Station, car wash, auto repair and small convenience market

Public Hearing Notice: Public hearing notification is applicable. 108 notices were mailed to owners and occupants of property within a minimum radius of 300 feet of the site on the following streets: Mowry Avenue, Fremont Boulevard, Argonaut Way, and State Street. The notices to owners and occupants were mailed on May 30, 2003. A Public Hearing Notice was delivered to The Argus newspaper on May 28, 2003 to be published by June 2, 2003.

Background and Previous Actions: This site has been used as a gasoline service station facility since 1963. In April 1970, the Planning Commission approved a separate use permit for a self-service automatic car wash. In April 1979, the Planning Commission approved the construction of two pump island canopies. This site is on the State Hazardous Waste and Substance Site List. Appropriate mitigation measures are included in the Negative Declaration to reduce potential impacts to insignificant levels.

Project Description: The proposed project is an application for a Finding for Site Plan and Architecture for the reconstruction and modernization of the existing HUB Valero. The existing 3 bay auto repair shop, food mart and car wash are proposed to be demolished (2,676 SF) and replaced with a modern facility. The applicant is not proposing to incorporate the 3-bay auto repair shop into the project plans, rather, a larger convenience store (1,800SF) offering a variety of food and snack items and an adjoining car wash measuring 812 SF are proposed. The convenience store will also have public restrooms, an office, and storage and utility rooms. The existing remediation compound found near the existing car wash will be removed from the site as part of this Finding application. Currently four pump islands are located in two separate areas on the site. Six dispenser islands are proposed in a central location under one open space frame canopy. The facility will be open from 6 AM to 11 PM daily, 7 days a week.

Two of the four existing driveways are proposed to be removed as part of this Finding application. The removal of these driveways will allow for better circulation, decrease the amount of pavement on the site and create additional opportunities for landscaping and pedestrian connections. The project includes associated parking and landscaping, including an art feature at the corner of the project site facing Fremont Boulevard and Mowry Avenue.

Project Analysis:

- **General Plan Conformance:** The existing General Plan land use designation for the project site is Central Business District. The proposed project is consistent with the existing General Plan land use designation for the project site because the proposed use is allowed within this designation. Conditional Use Permits have been granted to allow for a gasoline service station and car wash use on this subject property. The applicant is not proposing any new uses for this project site.

Policy LU2.4: All service uses are allowed in the CBD, gas stations are allowed only in locations which minimize impact on the commercial and pedestrian character of the area.

Analysis: *Early on in the design process, staff requested that the applicant provide an alternative design positioning the building at the corner of Mowry Avenue and Fremont Boulevard while siting the parking and circulation areas behind the building. The applicant provided staff with sketches showing that the site could not function in this manner because of the existing underground storage facilities. The building would either be on top of the underground facilities or directly adjacent to them, creating a hardship for the truckers to access them for refueling. Staff continued to work with the applicant to modify the building design and colors, create pedestrian connections to the proposed facility and create a dynamic and inviting entry to the site at the corner of Fremont Boulevard and Mowry Avenue through the use of landscaping, hardscape materials and art feature.*

Policy LU2.5: Auto repair and auto sale uses are generally appropriate for the CBD.

Analysis: *The applicant is not proposing auto repair or auto sales services. In fact, the existing three bay auto repair shop, previously approved by the Planning Commission will not be retained as part of this Finding application.*

Policy LU 2.7: Site design and building development in the Central Business District shall be oriented toward pedestrians and transit. To maintain active pedestrian environment, buildings oriented towards streets, sidewalks or public plazas are strongly encouraged at the ground level. Building orientation, setbacks, parking locations and building design shall be evaluated for how each element encourages continuity between developments.

Analysis: *As mentioned above, the applicant has created opportunities for pedestrian access into the site and opportunities for CBD users to congregate near the art work by providing seating and hardscape areas. The proposed project includes a new modern facility, landscape improvements, a reduction of driveways into the property and pedestrian access. Currently, parking is scattered throughout the project area resulting in a visually disjointed site and inaccessible for pedestrians. The site design improves the visual character of the property, and connections to the street.*

Policy LU2.9: Public open spaces and plazas shall be strongly encouraged throughout the CBD, Such areas should be visible and accessible from public walkways and appropriately landscaped with opportunities offered for sitting.

Analysis: *With staff input, the applicant is proposing a dynamic sculpture that would hold the corner well due to it's proposed size (approximately 7' X 7') and provide visual interest for CBD users. The proposed material is stainless steel and will be bronze in color. The 'industrial look' of the artwork lends itself well to the gasoline service station use.*

- **Zoning Regulations:** The site is zoned Central Business District. Gasoline service stations when intended and used as an integral part of another use within the district is a conditional use under the Central Business District. Several Conditional Use Permits have been granted from 1963 to allow for gasoline service station on this site encompassing an auto repair shop, a car wash, gas dispensers, and a canopy. The applicant is therefore not required to apply for a Conditional Use Permit since the proposed uses are consistent with the existing uses originally approved by the Planning Commission. However, a Finding for Site Plan and Architecture is required to be reviewed by the Planning Commission before the applicant can file an application with the Development Organization.

Section 8-22141 of the Ordinance also lists special conditions that the gasoline service stations must meet. The proposed use conforms with these conditions as they relate to proximity to schools, goods and services offered, exterior sales and site design. The conditions also stipulate that twenty percent of the lot area, excluding public rights-of-way and easements, be improved with well maintained landscape elements. These may include, plant materials, street furniture, and decorative surfaces provided that hardscape material does not exceed five percent of the area to be landscaped. As proposed, the total landscaped area totals approximately twenty-one percent.

- **Parking:** Per the City guidelines, service stations are required to have a minimum of five parking spaces. For food stores a parking requirement of 1 for each 200 square feet of floor area is required. In this case, nine spaces would be required for the food store use. 2.5 parking spaces are also required for a 'car wash bay'. The applicant is proposing to construct a drive-thru car wash and will provide a stacking lane for five vehicles. Eight parking spaces are proposed in front of the gas station / convenience store building while twelve spaces are located at each individual gas pump. As such, the applicant meets all parking number requirements.

Design Analysis:

Architecture: The project site is located in the Central Business District Planning Area at the corner of Fremont Boulevard and Mowry Avenue and is directly adjacent to the Fremont Hub. Based on the context and the prominence of its location, staff suggested to the applicant that the proposed design should be reflective of the surrounding vernacular while introducing new forms and materials to the architecture and public space design. A modern contemporary style building design is proposed, similar to the existing Fremont Hub Shopping Center and immediate surrounding area. The building incorporates cement plaster finishes, brushed aluminum columns and arches. The applicant is proposing to use a "Fortress Stone" as the main building color, while using a darker brown "Wallstreet" color for the bulkhead and a yellow "Honeysweet" for the cornice. The entranceways are accentuated with a deep orange "Monte Carlo" color. The 'Valero Teal' is used sparingly throughout and is complementary with the other proposed colors. Attractive decorative brushed aluminum sconces are proposed to be backlit along the western, eastern and northern elevations. The open space frame canopy design creates visual interest and provides an additional architectural element to the site creating a 'gateway feel'. Elements of the canopy design were incorporated into the convenience store roofs and columns. Non-tinted windows are proposed at both western and southern elevations.

Open Space/Landscaping: The proposed reconstruction provides increased area for planter and landscaping islands, opportunities created by the removal of the curb cuts off both Fremont Boulevard and Mowry Avenue and the proposed service station / car wash configuration. Additional landscaping is proposed in the form of shrubs (Fountain Grass, New Zealand Flax, Fortnite Lily, Variegated Tobira and Junipers) and groundcovers (Fescue, Star Jasmine and Annuals). The applicant is also proposing seventeen additional trees all measuring 24" box size. Four London Planes, six Bradford Pears and seven Date Palms are proposed throughout the site. The preservation of three London Planes, one Fraxinus Multistem and one Pirus tree is also proposed. Hardscape improvements at the corner of Mowry Avenue and Fremont Boulevard are also proposed to create an "edge" to the site for pedestrian access and public art area. The use of exposed aggregate, and the re-use of existing brick as accent bands are proposed along with new stepping stones.

Circulation/Access Analysis: Vehicular access to the project site is from all four sides of the property: Fremont Boulevard, Mowry Avenue, and access easements on the south and east property boundaries. The project proposes to maintain vehicular access from all four sides, but the two existing driveways closest to the Fremont/Mowry intersection are being removed and replaced with standard sidewalk. The other two driveways, furthest from the intersection, shall

remain. A new stamped concrete pathway from the existing sidewalk on Fremont Boulevard provides pedestrian access to the convenience store.

Required Findings: Pursuant to Section 8-21206(c) of the Fremont Municipal Code (FMC), Planning Commission must review the site plan and architecture for all proposed buildings in the C-B-D. The Planning Commission is required to make the following findings:

- 1) The proposed development properly relates to essential on-site facilities such as off-street parking, loading and unloading areas, traffic circulation and access points;
- 2) The proposed development properly relates to public agency service requirements and opportunities, especially emergency public safety services;
- 3) The proposed development is visually, physically and functionally compatible with neighboring uses and neighborhood characteristics;
- 4) The proposed development includes open space or other site facilities and provides an attractive environment for the occupants of the property to be developed.

Applicable Fees:

- **Development Impact Fees:** This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities and traffic impact. These fees shall be calculated at the fee rates in effect at the time of building permit issuance. The applicant will be entitled to a fee credit for the existing gasoline service station structure and carwash facility.

Urban Runoff Clean Water Program: The Federal Clean Water Act of 1972 and Water Quality Act (1987) require localities throughout the nation to obtain a National Pollutant Discharge Elimination System permit (NPDES) in order to discharge storm water into public waterways such as creeks, rivers, channels and bays. The applicant will comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board. Conditions of approval specific to this type of use are included in the Finding conditions, to reflect this requirement.

Waste Management: This project involves retail and service uses and, it shall be subject to the provisions of the California Integrated Waste Management Act of 1989 (AB939). The Act requires that 50% of the waste generated in the City of Fremont be diverted from landfill sites by the year 2000. Additionally, the project is subject to the City's Source Reduction and Recycling Element (1992), an Integrated Waste Management Ordinance (1995), and a Commercial/Industrial Recycling Plan (1997). These documents require that any new project for which a building permit application is submitted to include adequate, accessible, and convenient areas for collecting and loading trash and recyclable materials. The new trash/recycling enclosure for the project shall be designed in a manner to be architecturally compatible with nearby structures and with the existing topography and vegetation in accordance with such standards (Condition #A-6).

Environmental Analysis: An Initial Study and Draft Mitigated Negative Declaration, has been prepared for this project. The Draft Negative Declaration includes mitigation measures, which, if implemented, would reduce the identified impacts to non-significant levels. These mitigation measures have been included as conditions of approval for this project. A more detailed description of the potential impacts is provided within the Initial Study for the project, which is included as an enclosure.

A finding is proposed that this project would not have a significant effect on the environment based upon the implementation of the identified mitigation measures. Accordingly, a Draft Mitigated Negative Declaration has been prepared for consideration by the Planning Commission.

Enclosures: Exhibit "A" (Site Plan, Floor Plan, Elevations, Landscape Plan)
Exhibit "B" (Findings and Conditions of Approval)
Exhibit "C" (Colored Renderings)
Initial Study and draft Mitigated Negative Declaration
Applicant's Statement (Informational)

Exhibits: Exhibit "A" (Site Plan, Floor Plan, Elevations, Landscape Plan)
Exhibit "B" (Findings and Conditions of Approval)
Exhibit "C" (Colored Renderings)

Recommended Actions:

1. Hold public hearing.
2. Find the initial study has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources.
3. Approve draft Mitigated Negative Declaration and find it reflects the independent judgement of the City of Fremont.
4. Find PLN2002-00192 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use Chapter.
5. Approve PLN2002-00192, as shown on Exhibit "A", subject to findings and conditions on Exhibit "B" and color renderings board on Exhibit "C".

EXHIBIT "B"
Findings and Conditions of Approval
HUB Valero (PLN2002-00192)

CBD Findings:

- 1) The proposed development properly relates to essential on-site facilities such as off-street parking, loading and unloading areas, traffic circulation and access points;

The applicant's proposal would provide better auto and pedestrian circulation from the surrounding streets and sidewalks. The proposal would add a raised pedestrian path from Fremont Boulevard to the main entry, clearly separating pedestrian and auto circulation. In addition, a hardscaped edge is proposed at the corner of the site facing Fremont Boulevard and Mowry Avenue for CBD users. Two driveway curb cuts will be eliminated from this plan consequently controlling the vehicular access to the site. Parking is proposed in front of the proposed building and is in adequate supply. An adequate stacking lane (5 vehicles) is proposed for the car wash.

- 2) The proposed development properly relates to public agency service requirements and opportunities, especially emergency public safety services;

The existing building is freestanding on four sides and therefore affords clear access. The City of Fremont Police and Fire Departments have reviewed and conditioned the proposal to provide for appropriate lighting, access and fire protection.

- 3) The proposed development is visually, physically and functionally compatible with neighboring uses and neighborhood characteristics;

The proposal is reflective of the surrounding vernacular while introducing new forms and materials to the architecture and public space design. The building design will better integrate this site with the 1998 HUB shopping core remodel by incorporating some of the building colors found in the HUB. In addition the applicant has worked with staff to provide additional architectural elements and landscaping to enhance the project. Major elements include brushed metal columns and arches, non-tinted windows, various appealing colors (originally proposed gray tones), public art, and hardscape improvements.

- 4) The proposed development includes open space or other site facilities and provides an attractive environment for the occupants of the property to be developed.

The applicant's proposal incorporates additional landscape planters, introduces seventeen additional trees to the site, numerous shrubs and groundcovers and a public space / art area. A sculptural piece, measuring 7' in height, is a positive gateway element to the CBD.

CONDITIONS:

General Conditions:

- A-1 The project shall conform with Exhibit "A" (preliminary and precise site plan, floor plans, elevations and landscape plan) and Exhibit "C" (Color Renderings), and all conditions of approval set forth herein.
- A-2 Plans shall be submitted to the Development Organization for review and approval to insure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.
- A-3 The project shall be subject to all City-wide development impact fees. These fees may include, but are not limited to, fees for fire protection, park facilities, park-in-lieu fees, capital facilities and traffic impact. The fees shall be calculated at the fee rate in effect at the time of building permit issuance.

- A-4 The applicant shall provide automatic fire extinguishing systems for the buildings within the development, subject to the review and approval of staff and the Fire Marshal during the Development Organization review process. This facility shall comply with all requirements of the Fire Department prior to occupancy of the building with regard to fire safety, including the installation of an automatic fire extinguishing system (AFES), a smoke detection system with 24 hour monitoring, and special panic hardware for doors. The facility shall also use only non-combustible or flame retardant decorative materials within the interior spaces.
- A-5 The site circulation shall conform with all requirements of Article 20, that includes parking, turning radii, loading areas and other regulations of the Fremont Municipal Code.
- A-6 The applicant shall provide a trash and recycling enclosure for the development. No other area shall drain to the enclosed area. The trash enclosures shall be designed in the same manner as the building on the site, subject to the review and approval of staff during the Development Organization review process. The trash enclosures are to be designed to accommodate any City-mandated recycling facilities, subject to review and approval of staff during the Development Organization review process.

Prior to release of building for occupancy:

- A-7 Project architect/designer shall submit a letter to the City certifying that the building construction and site work has been constructed in conformance with the approved architectural plan and Conditions of Approval, subject to review and approval of the Assistant City Manager.
- A-8 The project engineer-of-record shall submit a letter to the City certifying that the site grading and drainage are in conformance with the approved grading and drainage plans, subject to the review and approval of the Assistant City Manager.
- A-9 The landscaping / irrigation and artwork shall be installed.

Building Design

- B-1 The structural design for the buildings shall be in compliance with the requirements of Uniform Building Code in use at the time of building application.
- B-2 All window glazing shall be clear glass. No reflective or tinted glass shall be used.
- B-3 All standing seam metal roofs shall be non-reflective.
- B-4 All roof mounted equipment shall be screened.

Landscaping

- C-1 A detailed landscape shall be provided during D.O. for staff review and approval to ensure conformance with all relevant City requirements and codes.
- C-2 The applicant shall provide details of outdoor furniture including light fixtures, benches, trash enclosures as part of the landscape plan. All design elements, including the furniture and light fixtures, shall be designed to promote a pedestrian friendly environment and shall be subject to staff review and approval during D.O.
- C-3 A lighting plan for the illumination of the building, driveways and parking areas and pedestrian walkways shall be submitted that includes type of lighting fixtures, their heights, intensity and direction clearly indicated. Construction details of raised planters, walkways, paths, benches, walls, fences, trellises, and other architectural features as appropriate shall all require staff review and approval during D.O. The lighting shall be designed to minimize impacts of glare adjacent streets and properties.

- C-4 Any signage will be subject to the separate review of the Development Services staff and shall follow the requirements as set forth in the Fremont Municipal code, Article 21, Sign Regulation. The applicant shall apply to Development Services for the appropriate permits.

Engineering Conditions

- D-1 An encroachment permit is required for all work with the public rights of way, Fremont Boulevard and Mowry Avenue. As part of Development Organization review, the developer shall obtain the required encroachment permit prior to issuance of the building permit.
- D-2 All existing and proposed on site monitoring wells shall be clearly labeled and accurately located on the plans submitted to the Development Organization.
- D-3 The Developer shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.
- D-4 All public and private storm drain inlets are to be stenciled "No-Dumping – Drains to Bay" using stencils purchased by the Alameda County Urban Runoff Clean Water Program at 951 Turner Court, Hayward, California. Alternative inlet stencils or marking may be permitted, subject to staff approval during Development Organization review.
- D-5 The developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.
- D-6 New fuel dispensing areas must be paved with Portland cement concrete, extending a minimum of 8'-0" from the face of the fuel dispenser and a minimum of 4'-0" from the nose of the pump island. Fuel dispensing areas should be graded and constructed to prevent "runon" or runoff from the area. Fuel dispensing facilities must have canopies; canopy roof downspouts must be routed to prevent drainage flow through the fuel dispensing area. The facility must have a spill cleanup plan. The fuel dispensing area must be dry-swept regularly. Dispensing equipment must be inspected routinely for proper functioning and leak prevention.
- D-7 No vehicle or equipment washing activity associated with this facility shall discharge directly to the storm drains. Wash areas should be limited to areas that drain to the sanitary sewer collection system, or the wash water must be collected for ultimate disposal to the sanitary sewer, or water must be intercepted and treated prior to discharge to the storm drain system. This wash area must be covered and designed to prevent runoff from draining into and from the area. A sign must be posted indicating the designated wash area. Sanitary connections are subject to review, approval, and conditions of the Union Sanitary District.
- D-8 A structural control, such as an oil/water separator, sand filter, or other approved equal, is to be installed on site to intercept spills and pretreat storm water prior to discharge to the public storm drain. The design, location, maintenance schedule and maintenance responsibility are subject to staff approval during Development Organization review.
- D-9 The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of staff during Development Organization. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on site that effectively prohibit the entry of pollutants into storm water runoff.
- D-10 All on-site storm drains are to be cleaned prior to occupancy and also be cleaned each year immediately before the beginning of the rainy season (October 15).

- D-11 Sidewalks, parking lots, and other paved areas must be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged to the storm drain.
- D-12 Landscaping shall be properly maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution.

During Construction

- E-2 Construction activities shall be limited to the following hours of operation:

7 a.m. to 7 p.m. Monday through Friday
9 a.m. to 6 p.m. Saturday and Sunday

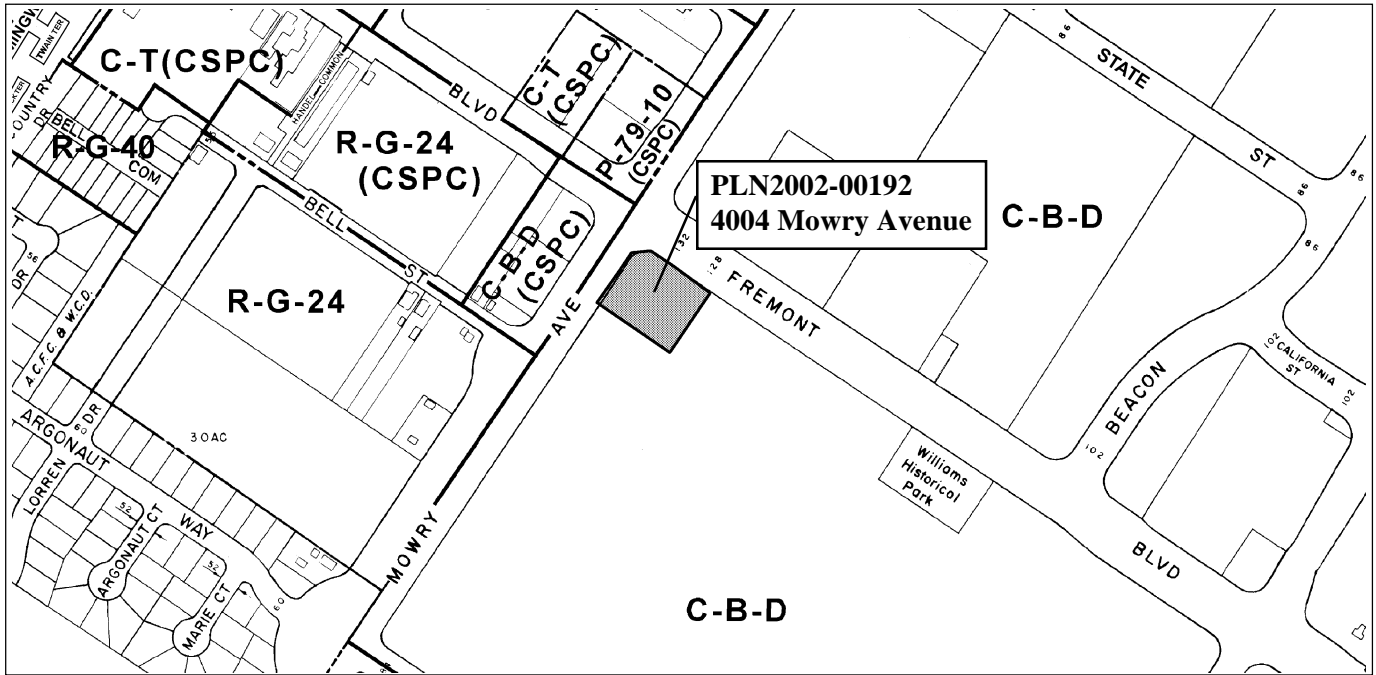
Hazardous Materials:

- F-1 To address issues associated with the potential presence of petroleum-contaminated soils, the following mitigation measures should be incorporated into the project:
- a) The prime contractor awarded the construction work will be required to have State Hazardous Substance Removal Certification in addition to their State Contractor's License;
 - b) During excavation work, the applicant must immediately notify the Fremont Fire Department, Hazardous Materials Unit of any underground pipes, tanks or structures; any suspected or actual contaminated soils; or other environmental anomalies encountered during site development activities. Any confirmed environmental liabilities will need to be remedied prior to proceeding with site development .
 - c) For the first two and one half feet (2-1/2 feet) depth of excavation, contractor will excavate and dispose of material off-site to a normal disposal/recycling facility. Material in this depth range is contaminated with petroleum products as part of the normal act of paving;
 - d) For depths below two and one-half feet (2-1/2 feet), excavated areas will be monitored by the City approved environmental consultant. Any excavated material that is of a suspicious nature will be stockpiled on-site, samples will be taken by the consultant and tested for the presence of contaminants. Any excavated material that does not meet the requirements of the responsible regulatory agencies will be hauled off-site to an approved landfill. Any material that meets the requirements of the regulatory agencies will be placed back in the work area and/or disposed off-site to a normal disposal/recycling facility;
 - e) Any stockpiled material will be placed on plastic sheeting and covered with plastic sheeting to prevent spreading and mixing of the material;
 - f) Utility companies responsible for the relocation of facilities as part of the construction work in accordance with franchise agreements with the City will be required to provide their own monitoring program for the presence of hazardous materials during construction in accordance with all regulatory agencies;
 - g) A technical report will be prepared by the City approved environmental consultant documenting conditions witnessed during the excavation work and any other tasks performed.
 - h) The portion of the facility which is to be converted to another use shall be free of any reported hazardous materials and properly closed with the local agency (Fremont Fire Department) as required by section 6.95 of the California Health & Safety Code, and as detailed in the Hazardous Materials Management Plan filed with the city.

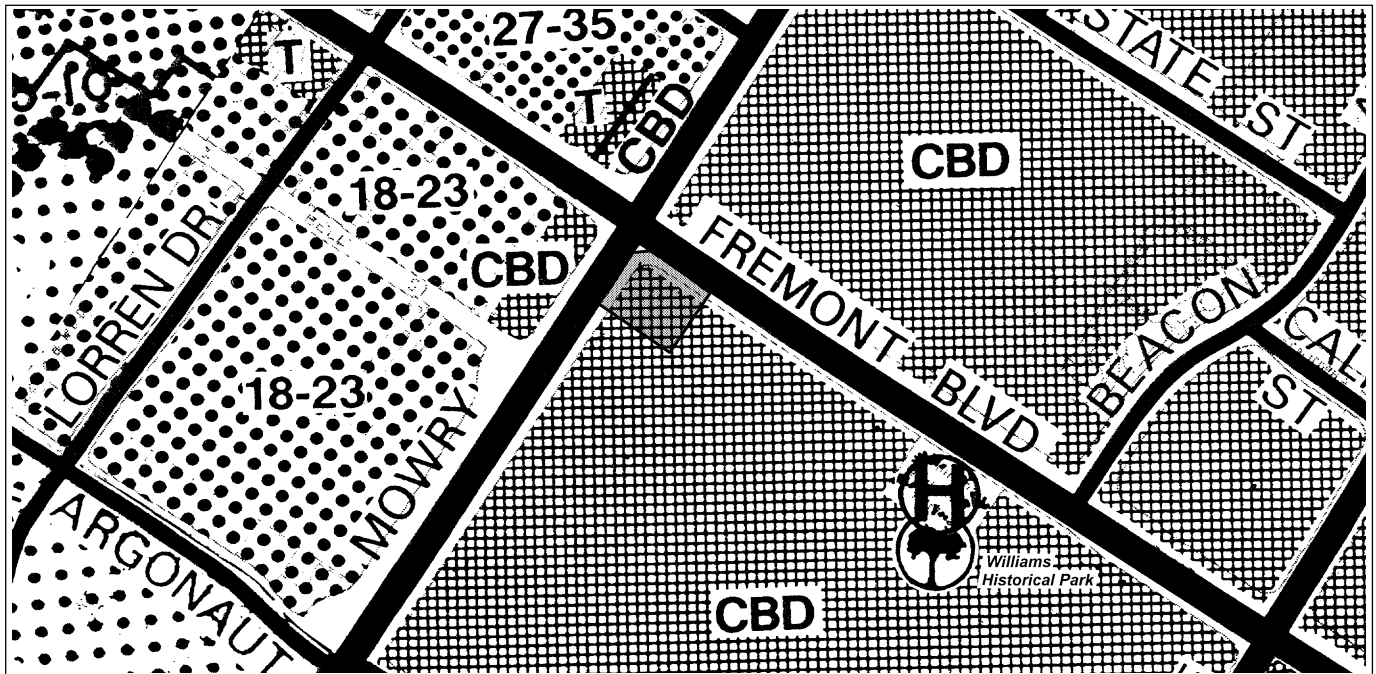
Environmental Services

- ES-1** The City of Fremont Waste Management Plan shall be completed by the applicant and returned to the Environmental Services Division prior to any demolition or construction taking place. After the project is complete, the applicant should document actual salvage and diversion by filling in and returning the Project Solid Waste Disposal & Diversion report to Environmental Services. Construction and debris material may be recycled through any recycling company licensed to do business in Fremont. Recycling will cost less than disposing of the material as municipal solid waste.

INFORMATIONAL



Existing Zoning



Existing General Plan

Project Number: PLN2002-00192 (F)
Project Name: Hub Valero
Project Description: To consider a Finding for site plan and architectural approval for a gasoline service station with a convenience store and car wash to replace an existing gasoline service station and car wash on property located in the Central Planning Area. A mitigated Negative Declaration has been prepared for this project.

Note: Prior arrangements for access are not required for this site.

